

4573. Adulteration of butter. U. S. v. Theodore I. Flittie (Flittie Creamery). Plea of guilty. Fine, \$25. (F. D. C. No. 7255. Sample No. 62372-E.)

On June 25, 1942, the United States attorney for the District of South Dakota filed an information against Theodore I. Flittie, trading as Flittie Creamery, at Wessington Springs, S. Dak., alleging shipment on or about November 20, 1941, from the State of South Dakota into the State of Illinois of a quantity of butter that was adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom, and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter.

On May 12, 1943, the defendant having entered a plea of guilty, the court imposed a fine of \$25.

4574. Adulteration of butter. U. S. v. 17 Cartons of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9566. Sample No. 30736-F.)

On February 26, 1943, the United States attorney for the Western District of Washington filed a libel against 17 cartons, each carton containing 30 prints, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 20, 1943, by the Boundary Creamery Co. from Bonners Ferry, Idaho; and charging that it was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter. The article was labeled in part: (Carton) "Butter Puget Sound Butter & Egg Co. Seattle, Wash.," (print) "Washington Maid Fine Creamery Butter."

On March 1, 1943, the Boundary Creamery Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

4575. Misbranding of butter. U. S. v. 4 Boxes (256 pounds) of Butter. Consent decree of condemnation. Product ordered released under bond for reworking. (F. D. C. No. 9464. Sample No. 13546-F.)

On February 1, 1943, the United States attorney for the Western District of Washington filed a libel against 4 boxes, each containing 64 1-pound prints, of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about January 27, 1943, by the Cottage Grove Creamery from Cottage Grove, Oreg.; and charging that it was misbranded in that the statement in the labeling "One Pound," was false and misleading since the package contained less than that quantity, and in that the label failed to bear an accurate statement of the quantity of the contents, since the quantity stated was incorrect. The article was labeled in part: (Print) "Red Rose Brand."

On February 17, 1943, the Walter Ely Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Food and Drug Administration.

CHEESE

Nos. 4576 to 4590 report legal actions involving cheese, samples of which were found to be contaminated with insect or rodent infestation, such as insect fragments, rodent hairs, or other kinds of filth. In addition Nos. 4576 and 4590 were low in fat.

4576. Adulteration and misbranding of cheese and adulteration of butter. U. S. v. Kyle Creamery Association. Plea of guilty. Fine, \$500. (F. D. C. No. 7673. Sample Nos. 80064-E to 80067-E, incl., 80074-E.)

Samples of these products were found to contain filth such as rodent hairs, larvae skins, fragments of small beetles, particles of aluminum paint, cow hairs, feather barbules, rodent pellets, and larvae. Portions of the cheese contained less than 50 percent of milk fat.

On October 28, 1942, the United States attorney for the Southern District of Indiana filed an information against the Kyle Creamery Association, a corporation, at Aurora, Ind., alleging shipment within the period from on or about March 30 to April 20, 1942, from the State of Indiana into the State of Ohio of quantities of cheese that was adulterated and misbranded and of butter that was adulterated. The cheese was labeled in part: "Whole Milk Cheese." The butter was labeled in part: (Wrapper) "Creamery Butter J. T. Ruther & Sons Cincinnati, Ohio Distributors."

Both products were alleged to be adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The cheese was alleged to be misbranded in that it purported to be Cheddar cheese, a food for which a definition and standard of identity had been prescribed by regulations as provided by law, but it did not conform to said definition and standard of identity since its solids contained less than 50 percent milk fat.

On January 16, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

4577. Adulteration of grated cheese. U. S. v. M. Wildstein & Sons, Inc. (New Yorker Cheese Co.). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 8796. Sample Nos. 22402-F, 22522-F, 24345-F, 24470-F.)

On February 19, 1943, the United States attorney for the Eastern District of Pennsylvania filed an information against M. Wildstein & Sons, Inc., a corporation, registered under the fictitious name New Yorker Cheese Co., at Philadelphia, Pa., alleging shipment within the period from on or about June 3 to September 11, 1942, from the State of Pennsylvania into the States of New Jersey and Maryland of a quantity of grated cheese that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "New Yorker Brand Italian Stayle Grated Cheese * * * New Yorker Cheese Co."

On March 10, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$400.

4578. Adulteration of cheese. U. S. v. 59 Cases of Cheese. Consent decree of condemnation. Product ordered released under bond for salvage. (F. D. C. No. 8997. Sample No. 17785-F.)

On December 12, 1942, the United States attorney for the Southern District of New York filed a libel against 59 cases, each containing approximately 200 pounds, of cheese at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about October 19, 1942, by the Dionisio Cheese Mfg. Co., from Trinidad, Colo.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On May 25, 1943, the J. Ossola Co. Inc., of New York, N. Y., claimant, having admitted the allegation of the libel, judgment of condemnation was entered and the product was ordered released under bond for salvaging the fat, under the supervision of the Food and Drug Administration, to be used in the manufacture of soap and glycerin, the nonfat residue to be disposed of for purposes other than human consumption.

4579. Adulteration of Cheddar cheese. U. S. v. 55 Boxes of Cheddar Cheese. Default decree of condemnation and destruction. (F. D. C. No. 8023. Sample Nos. 4704-F, 4705-F.)

On August 3, 1942, the United States attorney for the Southern District of Ohio filed a libel against 55 boxes of Cheddar cheese at Washington Court House, Ohio, which had been consigned on or about June 23 and 24, 1942, by the Tonica Milk Products Co., alleging that the article had been shipped in interstate commerce from Tonica and Flanagan, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was alleged to be adulterated further in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On January 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4580. Adulteration of cheese. U. S. v. 49 Cartons of Cheese. Default decree of condemnation and destruction. (F. D. C. No. 9054. Sample No. 4698-F.)

On December 22, 1942, the United States attorney for the Northern District of Ohio filed a libel against 49 cartons, each containing 2 loaves, of cheese at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 2, 1942, by McCadam Cheese Co., Inc., from Heuvelton, N. Y.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On February 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.